

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DOUGLAS D. KESSLER, Petitioner }
vs. }
JUDGE JOHN H. FORADORA; }
JEFFERSON COUNTY COURT OF }
COMMON PLEAS; DISTRICT }
ATTORNEY JEFFERY D. BURKET; }
JEFFERSON COUNTY JAIL; WARDEN }
DAVID J. RILEY; WARDEN DANIEL }
W. OGDEN, }
Respondents }

2:06cv934
Electronic Filing

Judge Cercone
Magistrate Judge Hay

MEMORANDUM ORDER

AND NOW, this 18 day of December, 2006, after the Petitioner, Douglas D. Kessler, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the petition for writ of habeas corpus is dismissed for failure to prosecute.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.


DAVID STEWART CERCONNE
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Douglas D. Kessler
Jefferson County Prison
578 Service Center Road
Brookville, PA 15825